

**SUMMARIZED MINUTES
SCOTTSDALE CITY COUNCIL
TUESDAY, JUNE 21, 2005**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, June 21, 2005 in the Kiva, City Hall, at 5:38 P.M.

ROLL CALL

Present: Mayor Mary Manross
Vice Mayor Betty Drake
Council Members Wayne Ecton, W.J. "Jim" Lane,
Robert Littlefield, Ron McCullagh, and Kevin Osterman

Also Present: City Manager Jan Dolan
Acting City Attorney Deborah Robberson
City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE – Councilman Ecton

INVOCATION – Pastor Eddy Paul Morris, Scottsdale First Assembly Church

ANNOUNCEMENT

Mayor Manross announced two special programs being offered this summer, Vista Del Camino Back to School Program and the Senior Center Summer Beat the Heat Program, and encouraged everyone to participate.

PUBLIC COMMENT

Tony Nelssen, 7736 E. Redbird, urged the Council to encourage the Transportation Department to post signs warning drivers of the dangers of animals crossing roads, and suggested the City establish a resident herd of wild mustangs at the Preserve.

NOTE IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

Susan Wheeler, no address given, expressed concern regarding the Sun Circle Trail and artwork at WestWorld, stating that developers should incorporate horses into their urban design.

Mike Aloisi, 6846 N. 72nd Place, 85250, spoke of his desire to create a Public Safety and Law Enforcement Commission, and provided objectives for this new commission to enhance and honor law enforcement.

Daniel Basinger, 29503 N. 107th Place, 85262, Chairman of the Environmental Quality Advisory Board, updated the Council on the success of Scottsdale Design Day and thanked volunteers and staff for doing a fantastic job.

Howard Meyers, 6631 E. Horned Owl Trail, 85262, stated the purpose of the Desert Property Owners Association was to protect rural equestrian character areas, and commented on trails plans, abandonments, and rights-of-way.

CONSENT AGENDA ITEMS 1 - 17A

1. DRINX (Restaurant) Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 6 (bar) Liquor License for an existing location.

Location: 7330 E. Stetson Drive

Reference: 20-LL-2005

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. Javier's Mexican Grill (Restaurant) Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) Liquor License.

Location: 8260 N. Hayden Road, #A-100

Reference: 33-LL-2005

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. DC Ranch Park District Replat

Request: Approve the replat for Parcel G4, Lot 1245 and Tract L residential lots with amended development standards on a 40.5-acre parcel.

Location: E. Sierra Pinta Drive/N. 103rd Way

Reference: 12-PP-2001#2

Staff Contacts: Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

4. 12009 E. Ironwood Government Land Office (GLO) Abandonment

Requests:

1. Abandon the 33-foot-wide GLO Easement along the southern property boundary.

2. Abandon three feet of GLO easement along the western property boundary, full property frontage.
3. Adopt Resolution No. 6678 vacating and abandoning a public right-of-way.

Location: 12009 E. Ironwood Drive

Reference: 3-AB-2005

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

An e-mail comment from **Leon Spiro** requesting that his comments on the GLO abandonment be made part of the public record is attached.

5. 118th Street and Jomax Road Subdivision Abandonment

Requests:

1. Abandon 15 feet of Goldie Brown public utility and roadway easement along the property's western border (116th Street), abandon 10 feet of Goldie Brown public utility and roadway easement along the property's northern border (Jomax Road) and abandon 15 feet of Goldie Brown public utility and roadway easement along the property's southern border.
2. Dedicate 45 feet of City street right-of-way along the property's northern border and dedicate 25 feet of City right-of-way along the property's western border (116th Street).
3. Dedicate eight-foot-wide Public Utility Easements and one-foot-wide Non-vehicular Access Easements along the sites 116th Street and Jomax Road frontages.
4. Adopt Resolution No. 6679 vacating and abandoning a public right-of-way.

Location: Southwest corner of 118th Street and Jomax Road

Reference: 5-AB-2005

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

6. Dirty Dogg Saloon Conditional Use Permit Renewal

Request: Renew the 2004 approved conditional use permit and modify the existing stipulations for a bar in an existing building located at 10409 N. Scottsdale Road with Highway Commercial District (C-3) zoning.

Location: 10409 N. Scottsdale Road

Reference: 4-UP-2004#2

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

7. Paseo Village Amended Development Standards and Conditional Use Permit

Requests:

1. Amend development standards on a nine +/- acre parcel located at 7365 Via Paseo Del Sur with Neighborhood Commercial and Planned Neighborhood Center, Planned Community Development District (C-1 and PNC PCD) zoning.
2. Approve a Conditional Use Permit for a Health Studio on a nine +/- acre parcel located at 7365 Via Paseo Del Sur with Neighborhood Commercial and Planned Neighborhood Center, Planned Community Development District (C-1 and PNC PCD) zoning.

3. Adopt Ordinance No. 3627 affirming the above amended development standards.
Location: 7365 N. Via Paseo Del Sur
Reference: 3-ZN-2005 and 3-UP-2005
Staff Contacts: Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov
8. **Slim And Tone Scottsdale Conditional Use Permit**
Request: Consider a Conditional Use Permit for a health studio in a suite of an existing building located at 2765 N. Scottsdale Road with Highway Commercial District (C-3) zoning.
Location: 2765 N. Scottsdale Road
Reference: 7-UP-2005
Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov
9. **Purchase of Property-Casualty Insurance for the Period of July 1, 2005 to July 1, 2006**
Requests:
 1. Authorize purchase of General Liability, Vehicle Liability and Public Officials Errors and Omission insurance protection of \$50,000,000 Limits of Liability per occurrence and annual aggregate coverage from various insurers for claims in excess of the City's self-insured retention amount of \$2,000,000 per occurrence for a cost of \$691,321.
 2. Authorize purchase of Property insurance on approximately \$617 million of buildings, contents and equipment replacement values in excess of the deductible portions from the Allianz Insurance Group and other participating insurers at a cost of \$523,010.
 3. Authorize the purchase of Workers' Compensation insurance from Midwest Employers Casualty Company in excess of the City's self-insured retention amount of \$600,000 for a cost of \$179,585.
 4. Authorize purchase of Scottsdale Airport Liability and Hangarkeepers' Legal Liability insurance of \$100,000,000 per occurrence and annual aggregate limits of Airport Liability coverage and \$100,000,000 for Hangarkeepers' Legal Liability coverage from insurers ACE/Lloyds at a cost of \$58,360.**Staff Contact:** Craig Clifford, Financial Services General Manager, 480-312-2364, cclifford@scottsdalaz.gov
10. **FY2005/06 Destination Marketing Services Agreement**
Request: Approve Contract No. 2005-122-COS, the "Marketing Services Agreement between the City of Scottsdale and the Scottsdale Convention and Visitors Bureau, Inc." authorizing \$5,659,274 for provision of these services.
Related Policies, References: City of Scottsdale Ordinances No. 2045 and 2049/2702 (amended) provide for funding of a destination marketing program on behalf of the City and the Scottsdale Tourism Industry from the City's bed tax revenues.
Staff Contact: David Roderique, Economic Vitality General Manager, 480-312-7601, droderique@scottsdaleaz.gov

11. Construction Bid Award for One Civic Center Interior Renovation

Request: Authorize Construction Bid Award No. 05PB156 to Ardavin Construction, the lowest responsive bidder, for the base bid and bid alternates number 1 and 2 at their lump sum of \$1,083,200.

Related Policies, References:

Council authorized Architectural Services Contract No. 2004-141-COS with Jones Studio, Inc. for the design of interior renovations for One Civic Center, on October 18, 2004.

Staff Contact: Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

12. Construction Bid Award for Waterline Replacements in the area of Happy Valley to Jomax roads and Hayden to Pima roads

Request: Authorize Construction Bid Award No. 05PB068 for waterline replacements in the area of Happy Valley to Jomax roads and Hayden to Pima roads to SJL Construction, the lowest responsive bidder, at their unit price bid of \$2,830,449.

Related Policies, References: On March 18, 2002, Council approved Engineering Services Contract No. 2002-030-COS with CSA Engineering, Inc. for the design of Waterline Replacements.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

13. Construction Bid Award for Hayden Road Improvements - Cactus to Redfield roads

Requests:

1. Authorize Construction Bid Award No. 05PB106 for construction of roadway improvements on Hayden Road from Cactus to Redfield roads to Achen Gardner Engineering, the lowest responsive bidder, at their unit price bid of \$8,855,672.
2. Adopt Resolution 6681 authorizing right-of-way acquisition of easement interests for three properties located at 8001 E. Voltaire, 13062 N. 80th Place, and 13048 N. 80th Place.
3. Authorize payment to Arizona Public Service in an approximate amount of \$220,000 for the conversion of overhead 12 kV lines and the installation of streetlights along Hayden Road.

Related Policies, References:

- Council approved Engineering Services Contract No. 2003-104-COS with Tri-Core Engineering on June 2, 2003 for the design of roadway and drainage improvements on Hayden Road from Cactus to Redfield roads.
- Council approved a modification to Engineering Services Contract No. 2000-198-COS with David Evans and Associates, Inc. on December 10, 2001, for the design of Water Distribution System Improvements in the Hayden Road and Thunderbird Road area.

Staff Contact: Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

14. Contract Modification for Construction Services for Booster Pump Station 10

Request: Authorize Modification to Construction Bid Award No. 05PB025 with Currier Construction, Inc. for \$2,069,588 for Construction Services on Site No. 10 Water Booster Pump Station.

Related Policies, References:

- Council approved the Water Resources Master Plan on October 15, 2001.
- Council approved Engineering Services Contract 2002-073-COS with HDR, Inc. for the conceptual design of the Chaparral Water Treatment Plant Influent and Distribution Waterline Project on July 1, 2002.
- Council approved Engineering Services Contract modification 2002-073-COS-A with HDR, Inc. for the final design of the Chaparral Water Treatment Plant Influent and Distribution Waterline Project on April 14, 2003.
- Council authorized Construction Bid Award 05PB025 to Currier Construction, Inc., for new Pump Station #55C, located at the CAP Water Treatment Plant, and Modifications to Well Sites 38, 54, 106, 108, 115 and 122, as part of the City's Arsenic Mitigation Program on March 22, 2005.
- Development Review Board approved case 17-DR-2005 for site plan and elevations for the Booster Pump Station at Site 10 on May 5, 2005.

Staff Contact: Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

15. Scottsdale Southern Area Residential Fee Reduction Programs

Request: Adopt Resolution No. 6698 allowing for continuation of the Residential Fee Reduction Program for one additional year. This program provides permit fee reductions for property owners seeking to renovate single-family residences and condominiums located south of Indian Bend Road.

Staff Contact: Judy Register, Citizen and Neighborhood Resources General Manager, 480-312-2454, jregister@scottsdaleaz.gov

A change to Resolution No. 6698 was read into the record: Page 2, Section 4, of the resolution was amended by adding "and applies only to single-family residences" to the end of the sentence.

16. Extension of Federal Lobbying and Information Services

Request: Approve a one-year extension of Contract Number 2003-122-COS with Carolyn C. Chaney and Associates to provide federal lobbying and information services on behalf of the City of Scottsdale in the amount of \$73,062, plus up to \$6,000 for reimbursable expenses incurred on behalf of Scottsdale while carrying out the terms of the contract.

Staff Contact(s): Neal Shearer, Assistant City Manager, 480-312-2341, nshearer@scottsdaleaz.gov; Steve Olson, Governmental Relations Director, 480-312-2423, solson@scottsdaleaz.gov

17. Photo Radar Enforcement Contract Extension and Price Adjustment

Requests:

1. Authorize the Option per Section 3.1 of Contract #2002-072-COS with Redflex Traffic Systems Inc. to extend the contract for a one-year period from 7/1/2005 through 6/30/2006. This allows the City's "Focus On Safety" photo radar enforcement program to continue.
2. Approve the contractor's 3.3% price increase request.

Related Policies, References: Contract #2002-072-COS

Staff Contact: Alan G. Rodbell, Chief of Police, 480-312-5310, arodbell@scottsdaleaz.gov

17A. Closure of the McDowell Sonoran Preserve Due to Extreme Fire Danger

Request: Adopt Resolution No. 6709 declaring a local emergency within the McDowell Sonoran Preserve and closing all Public Access on Scottsdale owned land in the Recommended Study Boundary for the Preserve.

Related Policies and References: Article II, Section 6(c) of the Scottsdale City Charter, Section 10-3(b) of the Scottsdale Revised Code and Arizona Revised Statutes Section 26-311; Ordinance No. 3507, relating to the City of Scottsdale adopting Fire Code Ordinance; Appendix H – Control and Suppression of Hazardous Fire Areas – Sec. H104; City of Scottsdale Ordinance No. 3321, relating to the McDowell Sonoran Preserve, enacting Rules, Regulations and Policies.

Staff Contacts: William L. McDonald, Fire Chief, 480-312-1880, wmcDonald@scottsdaleaz.gov; Robert J. Cafarella, Preservation Director, 480-312-2577, rcafarella@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

COUNCILMAN LITTLEFIELD MOVED TO APPROVE CONSENT AGENDA ITEMS 1-17A (ITEM 15 AS AMENDED). COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

REGULAR AGENDA ITEMS 18 - 21

18. ASU-Scottsdale Center for New Technology and Innovation

Requests:

1. Rezone from Highway Commercial (C-3) and Regional Shopping Center (C-S) Districts to Planned Community District (P-C) with amended development standards on approximately 42 acres, located at the southeast corner of Scottsdale and McDowell roads.
2. Adopt Ordinance No. 3629 affirming the above rezoning and amended development standards.
3. Adopt Resolution No. 6708 declaring "Case 26-ZN-2004, Planned Community District Development Plan" a public record.

Location: Southeast corner of McDowell and Scottsdale roads

Reference: 26-ZN-2004

Staff Contacts: Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov

Staff outlined the four major components of the zoning request: Development framework plans; permitted land uses; development standards (with amendments to floor area ratio, open space, building step backs, and parking); and conditions of approval. Staff recommended approval of the rezoning and asked the City Council to find that the rezoning is in conformance with the Planned Community District findings as required in Section 5.2105.

The developer and members of the ASU Foundation provided information on their visions and objectives; provided a tentative development schedule; and discussed preliminary site designs, landscaping, and open space.

Mayor Manross opened public testimony.

Drew Brown, 7600 E. Doubletree Ranch Road, expressed support for the technology center and the Council's extraordinary leadership.

Darlene Petersen, 7327 E. Wilshire Drive, 85257, expressed opposition to the proposed building heights of sixty feet, and hoped the buildings would be stepped back with the taller ones in the middle.

Dean Sheppard, 7343 Scottsdale Mall, representing the Chamber of Commerce, expressed the Chamber's unconditional support for the rezoning application, saying this represented a genuine milestone for the City and a monument to the foresight of the Council.

John Anderson, 7526 E. Beatrice, 85257, said he lives behind this project and wanted to get it rezoned so it could be completed. He expressed thanks to staff for helping the neighbors to understand the process.

Max Poll, 3621 N. Wells Fargo Avenue, 85251 representing Scottsdale Healthcare, spoke of the partnerships with ASU and the City of Scottsdale, and respectfully requested the Council approve this step and every step forward.

Lyle Wurtz, 6510 E. Palm Lane, 85257, expressed his opposition, saying this project would be a disaster and taxpayers would be paying in perpetuity.

Tom Jelinek, 7425 E. Culver Street, 85257, Pastor of Los Arcos United Methodist Church and a member of the ad-hoc committee, said the process has been very positive and the congregation was in favor of the proposals. Even though there are concerns about parking and visibility of the church, there have been productive conversations with staff.

Mayor Manross closed public testimony.

Council discussion:

- Council members expressed support of the rezoning proposal.
- Vice Mayor Drake offered suggestions to be considered during the design phase of the project, including: make the area more pedestrian and bike friendly, have wider sidewalks with ample space for cafes and street life, have active uses on the ground floor of the parking structure, provide bicycle lanes and bicycle parking, include more usable open space—not just landscaping, provide something special for the intersection at McDowell and Scottsdale Road—possibly a little plaza, and provide better details about the views in the southern transition zone.

MOTION AND VOTE – ITEM 18

COUNCILMAN OSTERMAN MOVED FOR APPROVAL OF THE REZONING IN ITEM 18, ADOPTION OF ORDINANCE 3629 AND RESOLUTION 6708 FOR CASE 26-ZN-2004, WITH THE FINDINGS THAT THE REZONING IS IN CONFORMANCE WITH THE PLANNED COMMUNITY DISTRICT'S FINDINGS AS REQUIRED IN SECTION 5.2105. COUNCILMAN MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 7-0.

19. Coronado Golf Course

Requests:

1. Consider options that would continue open space uses on the City's 36-acre parcel at the Coronado Golf Course after the expiration of the current lease in October 2005.
2. Direct staff to proceed with an option for the use of this area after October 2005.

Related Policies: 2-UP-65 Coronado Golf Course Use Permit

Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov; Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

Staff presentation included:

- Property is 44 acres in size—36 acres are owned by the City, and the remaining eight acres are privately owned.
- Description of the parameters and criteria for a golf course RFP.
- Three options for Council consideration.
 1. Issue an RFP for a golf course utilizing 36 acres, with an option to include other adjacent property.
 2. Initiate direct negotiations with the existing owner of the eight-acre property to continue the existing golf course operation.
 3. Develop a passive city park.

Mayor Manross opened public testimony:

John Greco, 2843 N. 76th Place, 85257, spoke in favor of an improved golf course operation using the RFP process, and requested neighborhood participation as a means of good communication.

James McKay, 2647 N. Miller Rd, #21, 85257, stated that an improved golf course was the only viable solution as it preserved open space, was a community amenity, and supported tourism and economic vitality.

Eric Planeta, PO Box 9038, 85252, owner of the private eight acres, read a letter into the record from Tom Lanby, the original developer and builder of Coronado Golf Course. He presented concepts for renovating the clubhouse and other improvements envisioned for the business, and encouraged the Council to renew the Coronado lease. Mr. Planeta explained that a source of confusion existed regarding the condition of the golf course, noting that the operator/tenant of the golf course and clubhouse was responsible for maintenance of these properties and acknowledged the difficulties in keeping the property as nice as he would like to see it.

Tiffany Sams, 7532 E. Cambridge, 85257, would like Coronado to remain a golf course for the senior citizens who enjoy playing the course.

Shari Zanoft-Valenciano, 2846 N. 77th Place, 85257, expressed support for the golf course and suggested that parameters in the RFP be established specifically for upkeep and maintenance so that fines can be levied if the provisions are not met.

Michael Schafer, 2401 N. 76th Place, 85257, was pleased to hear of the efforts to rejuvenate the golf course, and wants to see a higher level of maintenance. He expressed pride that the

southern portion of Scottsdale was becoming a real gem and thanked the Council for the time and attention spent listening to citizen concerns.

Lyle Wurtz, 6510 E. Palm Lane, 85257, said the golf course added a great deal to the community, and the open space in the south was just as important as the Preserve up north.

Mayor Manross closed public testimony. Six additional comment cards were received from citizens not wishing to speak: four undesignated, one in favor, and one opposed to Item 19.

Council and staff discussion:

- Mr. Planeta confirmed that he is terminating the contract with the lessee for his eight-acre parcel effective October 15th. If awarded the lease for the City's 36-acre parcel, he intends to make improvements to the clubhouse and driving range and resurface the parking lot. In addition, he would maintain and operate the entire golf course.
- There is a history of issuing notices of violation for dead vegetation, the condition of the ponds and palm trees, and debris. While the violations are considered minor and have been corrected, it does not appear that the larger problem of maintenance has been addressed.
- Citizens have indicated that they want this area to remain open space, but they want it to be better maintained. A park is not desirable to the neighbors and it was noted there would be issues with convenient parking space.
- The consensus was to support a golf course and issuing an RFP on the 36 acres of City land. It was suggested that bidders be instructed that there are adjacent properties that possibly could be used, including an eight-acre parcel, parking, clubhouse, driving range, and part of two golf holes. Other things to be considered in the parameters of the RFP included proposal of a greens fee structure, golf fees, and a reasonable rental fee.
- Citizens' participation should be encouraged during the development of the RFP requirements.
- Councilman McCullagh suggested adding stipulations as to the condition of the course, including amenities such as the clubhouse, lighting, and the driving range. He also suggested setting a performance bond for the duration of the lease assuring that those conditions will be met, and, if not, imposing a financial penalty as well as termination of the agreement. In addition, any lease agreements with the City should be coterminous, having a rate structure so that if the market is such that increased rates are justified, the City shares in them. If the rates go up and the return increases to the operator, then the same would be true for the City. Then there would be no imbalance of treatment to the City and any burden that the taxpayers may bear on the project.

MOTION – ITEM 19

COUNCILMAN OSTERMAN MOVED TO HOLD A PUBLIC HEARING FOR ASSISTANCE IN FORMULATION OF AN RFP. THE CITY IS TO ISSUE AN RFP TO DEVELOP A COURSE UTILIZING THE CITY'S 36-ACRE PARCEL AT THE CORONADO GOLF COURSE WITH THE OPTION TO INCLUDE POSSIBLE OTHER ADJACENT PROPERTIES WITH ALL FUNDING FOR RENOVATIONS AND MAINTENANCE BEING THE RESPONSIBILITY OF THE OPERATOR. VICE MAYOR DRAKE SECONDED THE MOTION.

COUNCILMAN LITTLEFIELD MOVED TO AMEND THE MOTION TO IMMEDIATELY ISSUE AN RFP TO DEVELOP A COURSE UTILIZING THE CITY'S 36-ACRE PARCEL AT THE

CORONADO GOLF COURSE WITH THE OPTION TO INCLUDE POSSIBLE OTHER ADJACENT PROPERTIES WITH ALL FUNDING FOR RENOVATIONS AND MAINTENANCE BEING THE RESPONSIBILITY OF THE OPERATOR. COUNCILMAN ECTON SECONDED THE MOTION. THE MOTION FOR AMENDMENT FAILED 3-4, WITH VICE MAYOR DRAKE, COUNCILMEMBERS LANE, MCCULLAGH AND OSTERMAN DISSENTING.

THE ORIGINAL MOTION CARRIED 6-1, WITH COUNCILMAN LANE DISSENTING.

(NOTE: ITEM 19 WAS RECONSIDERED AND RE-VOTED UPON AT THE END OF THE MEETING. THE NEW VOTE RESULTED IN UNANIMOUS APPROVAL, 7-0.)

20. Downtown Marketing Funding

Request: Consider possible options for allocating funds for Downtown marketing.

Related Policies, References: Resolution No. 6670---Enhanced Municipal Services District FY 2005-2006 Assessment.

Staff Contact: John C. Little, Jr., Executive Director of Downtown Group, 480-312-2539, jlittle@scottsdaleaz.gov

Staff presented background information on this issue since the funding for the specialty retail districts of the EMSD was eliminated on May 17, 2005. Staff reviewed criteria supporting elements having the greatest impact on downtown, taking advantage of the good work of the Marketing Group and the EMSD Commission to capitalize on "The Original" brand. These include effectively employing technology; supporting elements that reinforce western and arts brands; signature events; and consensus items such as trolleys, maps, and advertisement.

Mayor Manross opened public testimony.

Marilyn Atkinson, 3957 N. Brown Avenue, 85251, expressed support for Option B. She stated that Option A included Fashion Square, which had its own funding. In addition, area grants were needed and there should be strict oversight on invoices. She believes the marketing group worked very well together and should continue to be part of the process.

Judie Pinch, 7233 E. 1st Avenue, 85251, President of the Old Town Merchants Association, thanked Council for their consideration of marketing for downtown. As a result of the marketing committee's work, several good ideas have come forth, and she hoped the Council would consider the merchants' input into whatever is planned for the future.

Michael Merrill, 8713 E. Vernon Avenue, 85251, presented photos of ongoing issues in downtown that have not been resolved. He stated City staff should have very limited involvement in the marketing of downtown and that Council should give merchants a chance to have the resources and talent to improve their marketing with the full funding of \$500,000.

Michael Fernandez, 4338 N. Scottsdale Road, 85251, spoke in support of Option B as it was put together by the marketing group. He said it was a crucial time for businesses in the downtown and the marketing group should make some of the future decisions on how the marketing dollars are spent.

Lois Fitch, 1229 N. Granite Reef, 85257, stated she was a member of the marketing group and feared the hard work they had accomplished would go away. She supports keeping the marketing committee intact and awarding area grants.

Susan Wheeler, no address given, expressed that all the business owners were survivors. She supports the City funding a commission for property owners and merchants with the marketing group to continue marketing downtown.

Rick Kidder, 7343 Scottsdale Mall, 85251, representing the Chamber of Commerce, reviewed the changes that have taken place downtown, indicating that change will continue to be inevitable and new thinking must replace old views. He cautioned that if money is to be spent, that it be spent well and be inclusive of all downtown.

Mayor Manross closed public testimony. Six comment cards were received from citizens in favor of Item 20, but not wishing to speak; four comment cards did not designate support or opposition to the item.

Council discussion:

- Support was expressed for keeping area grants and involving the marketing committee, because many plans in the works need funding to continue. It was agreed that the Marketing Committee formed under the EMSD was very positive and beneficial for the marketing of downtown and these efforts should be preserved. Concerns were expressed regarding administrative costs and responsibilities for administration of grants, and it was suggested that the marketing group brainstorm ways to administer the program.
- Others supported funding programs already in place, but wanted to delay making decisions on creating committees and/or criteria for the administration of grants until after a proposed Town Hall is conducted. It was stated that even though the Council is in favor of marketing downtown, funding should be conservative. This should serve as a step towards weaning the City from the obligation to meet the financial responsibilities of the marketing plan.
- Strong support was shown for providing more accountability in the process. It was suggested that a commission or some group of stakeholders was needed to help determine how money was spent.

MOTION 1 – ITEM 20

COUNCILMAN LITTLEFIELD MOVED TO APPROVE OPTION B AND CONTINUE TO HAVE THE MARKETING COMMITTEE INVOLVED IN DISTRIBUTION OF MONIES. VICE MAYOR DRAKE SECONDED THE MOTION.

Further Council discussion:

- It was acknowledged that participation and representation from downtown merchants was important to the marketing plan, but that discussion of committees, commissions, or the EMSD was not appropriate at this point.
- Concerns were expressed about the level of involvement from the Chamber of Commerce and the Visitors Convention Bureau in the marketing of downtown. It was questioned if it was the City's responsibility to underwrite the downtown marketing plan indefinitely, however worthy the plan.

COUNCILMAN LITTLEFIELD MOVED TO AMEND THE MOTION TO INCLUDE THE CURRENT MARKETING COMMITTEE. VICE MAYOR DRAKE AGREED TO THE AMENDMENT.

THE MOTION AS AMENDED FAILED 3-4, WITH MAYOR MANROSS AND COUNCILMEMBERS ECTON, LANE, AND MCCULLAGH DISSENTING.

MOTION 2 – ITEM 20

COUNCILMAN ECTON MOVED TO APPROVE OPTION A, WITH GRANTS OF \$200,000, AND FIND A WAY TO DISTRIBUTE GRANTS WITH NO MARKETING COMMITTEE. MAYOR MANROSS SECONDED THE MOTION.

Council members discussed the Marketing Group's participation in the administration of area wide grants and programs. It was noted that if the downtown merchants were taken out of the process the spirit of the program would be lost.

COUNCILMAN ECTON WITHDREW HIS MOTION. THE SECONDER, MAYOR MANROSS, AGREED.

MOTION 3 – ITEM 20

COUNCILMAN MCCULLAGH MOVED TO APPROVE OPTION A. COUNCILMAN LANE SECONDED THE MOTION, WHICH CARRIED 4-3, WITH VICE MAYOR DRAKE AND COUNCILMEMBERS LITTLEFIELD AND OSTERMAN DISSENTING.

21. Groman Residence Abandonment

Requests:

1. Abandon the western 10 feet of the 76th Street right-of-way located on the eastern boundary of parcels: 216-69-003Q, 216-69-003R, and 216-69-003S.
2. Adopt Resolution No. 6668 vacating and abandoning a public right-of-way.

Location: 29695 N. 75th Place

Reference: 23-AB-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Staff reviewed the request to eliminate ten feet of right-of-way on the property. All City departments concur that the request is in excess of the street classification requirements; everything that currently exists at this location remains the same, including the existing trail; and the request complies with established policies and specifications. Neighbors supported the request; however, the Planning Commission denied the request because of philosophical concerns of giving up land that could be used for trail and open space purposes, particularly in the Foothills Area. It was pointed out that the applicant could have chosen to apply for a variance for the setback requirement with the Board of Adjustment. However, the Board of Adjustment is limited by State Statute, which requires that a hardship exist specific to the property that is not created by the property owner. It was acknowledged that as the condition exists in all areas of the City, the Board might not look favorably at the request.

Kevin Groman, applicant, 29695 N. 75th Place, 85262, presented maps indicating the boundaries of his property, explaining that he was only making this request so that he could provide a fenced backyard for his children to play in. He agreed to stipulate to a fifteen-foot setback.

Discussion was held about providing a public use easement rather than right-of-way, with no additional steps being required, and the applicant agreed.

MOTION AND VOTE – ITEM 21

COUNCILMAN MCCULLAGH MOVED TO ADOPT RESOLUTION 6668 VACATING AND ABANDONING THE PUBLIC RIGHT-OF-WAY, SUBJECT TO THE STIPULATION THAT THE APPLICANT DOES NOT CONSTRUCT ANYTHING IN THE ABANDONED PROPERTY AND SUBJECT TO THE STIPULATION OF THE RESERVATION OF A PUBLIC ACCESS EASEMENT ON THE ABANDONED PROPERTY FOR THE BENEFIT OF THE CITY. VICE MAYOR DRAKE SECONDED THE MOTION, WHICH CARRIED 7-0.

PUBLIC COMMENT - None

CITY MANAGER'S REPORT - None

MAYOR AND COUNCIL ITEMS

22. Consider Policy Statement Regarding the City's Vision and Goals for Southern Scottsdale Revitalization Efforts

Request: Consider adopting Resolution No. 6710 regarding a policy statement for the City's vision and goals for southern Scottsdale revitalization efforts at the request of Councilman Littlefield.

Staff Contact(s): Deborah Robberson, Acting City Attorney, 480-312-7994, drobberson@scottsdaleaz.gov

Councilman Littlefield brought the item forward as a result of a recent proposal to raze a trailer park to build condominiums. He proposed this policy to encourage redevelopment in South Scottsdale that would not disrupt or diminish the quality of life of the residents.

Mayor Manross opened public testimony.

Ava Nielsen, 7010 E. Continental, 85257, a resident of the trailer park, expressed appreciation to the Council for their support.

Michael Kelly, 8973 N. 84th Way, 85258, said it was important to ensure that policies were clear and understandable. He believed the policy could act as an amendment to the General Plan.

Darlene Petersen, 7327 E. Wilshire Drive, 85257, said Council should remove the redevelopment designation from the area south of Osborn Road. She questioned the usefulness of the General Plan if a new Council could change it.

Mayor Manross closed public testimony. One additional comment card was received from a citizen not wishing to speak.

Council discussion:

- Council members affirmed that they took the right action in denying the general plan amendment for the redevelopment of the Wheel Inn Trailer Ranch, which indicates that the system does work.

- After a concern was expressed about infringement of individual property rights, the Acting City Attorney clarified that the intent of the policy statement is to encourage redevelopment that doesn't diminish or disrupt the quality of life. The policy does not make decisions or predeterminations regarding individual property rights.
- The policy does not amend the General Plan, but supports and clarifies the original intent of the General Plan approved by citizens in 2001.
- Though it was questioned if adoption of the policy would achieve anything, it was recognized that it did point out other problems, such as changes in property values, increasing rents, and increased taxes.

MOTION AND VOTE – ITEM 22

COUNCILMAN LITTLEFIELD MOVED TO APPROVE RESOLUTION 6710. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 6-1, WITH COUNCILMAN MCCULLAGH DISSENTING.

23. City Council Discussion and Direction to Staff Assisting in a Downtown Town Hall for November 2005

Request: At the request of Vice Mayor Drake, provide direction to the City Manager to assign staff and resources to support a Downtown Town Hall, which would provide the basis for a Downtown Master Plan update.

Vice Mayor Drake discussed the need for an inclusive Downtown Town Hall for the purpose of coming up with solid definitions of issues and solutions, and to provide a basis for a Downtown Master Plan update. She explained that the Arizona Town Hall group would work with staff, provide recorders and facilitators, and work with the City throughout the entire process.

Mayor Manross opened public testimony.

Mike Kelly, 8973 N. 84th Way, 85258, wanted assurance that what resulted from this Town Hall would not conflict with the General Plan, and questioned if this was an attempt to put together a new vision for downtown.

Mayor Manross closed public testimony.

Council Discussion:

- Cost estimates and value provided for these services were discussed. It was estimated that the cost could be between \$50,000 and \$100,000, but this was a very preliminary estimate and might be less.
- Councilman McCullagh asked staff to identify other entities that were assisted by the Arizona Town Hall group.
- Staff will return with a complete information packet on costs and services prior to July 7, 2005.

MOTION AND VOTE – ITEM 23

VICE MAYOR DRAKE MOVED TO DIRECT STAFF TO WORK WITH ARIZONA TOWN HALL STAFF AND OTHERS TO DEVELOP A TOWN HALL SCHEDULE, WORK PROGRAM, AND BUDGET FOR COUNCIL REVIEW BY JULY 7, 2005. COUNCILMAN MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 7-0.

RECONSIDERATION OF ITEM 19

Mayor Manross noted that Councilman Lane had requested a reconsideration of his vote on Item 19.

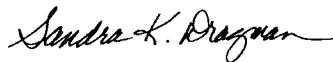
COUNCILMAN LITTLEFIELD MOVED TO RECONSIDER ITEM 19. COUNCILMAN MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 7-0.

COUNCILMAN LITTLEFIELD MOVED TO INITIATE AN RFP FOR A GOLF COURSE UTILIZING THE 36 ACRES OF CITY PROPERTY AND AN OPTION TO INCLUDE ADJACENT PROPERTY, WITH A PUBLIC MEETING TO BE HELD BEFOREHAND FOR PUBLIC INPUT. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 11:08 P.M.

SUBMITTED BY:



Sandy Dragman
Recording Secretary

REVIEWED BY:



Carolyn Jagger
City Clerk


Officially approved by the City Council on August 29, 2005

C E R T I F I C A T E

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 21st day of June 2005.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 29th day of August 2005.



CAROLYN JAGGER
City Clerk

Jagger, Carolyn

To: leon spiro

Subject: RE: Council Meeting 21 June 05. Citizen Comment for 3- AB-2005 GLO Abandonment

City Manager Dolan: Please see that this "material presented" is read to the Council Members and all who are in attendance. Please see that the Council Recorder notes in the "edited minutes" that this reading of this E Mail letter has been read in its entirety to all in attendance. And in the order of correctness, that this E Mail Letter is noted as being an "attached" document in the "recorded minutes" of this Council Meeting. L. Spiro, A Concerned Citizen of Scottsdale. PS: This was not done at the time of initial presentation of the "abandonment request" for 3- AB-2005 on 27 April 2005 to the Planning Commission. . LS.

leonspiro@hotmail.com

>From: "McClay, Doris" <DMcClay@scottsdaleaz.gov>
 >To: 'leon spiro' <leonspiro@hotmail.com>
 >Subject: RE: 3- AB-2005 GLO Abandonment
 >Date: Wed, 27 Apr 2005 12:33:40 -0700
 >MIME-Version: 1.0
 >Received: from CQMSEX1.ci.scottsdale.az.us ([206.206.241.7]) by mc11-f40.hotmail.com with Microsoft SMTPSVC(6.0.3790.211); Wed, 27 Apr 2005 12:33:41 -0700
 >Received: by cqmscex1.ci.scottsdale.az.us with Internet Mail Service (5.5.2657.72)id <H4Q0VAY9>; Wed, 27 Apr 2005 12:33:41 -0700
 >X-Message-Info: JGTYoYF78jGYbiAW1kIFKpIPFZw03Vdu3QWDDxN6C/U=
 >X-Mailer: Internet Mail Service (5.5.2657.72)
 >Return-Path: DMcClay@scottsdaleaz.gov
 >X-OriginalArrivalTime: 27 Apr 2005 19:33:41.0568 (UTC) FILETIME=[04940400:01C54B60]
 >
 >I will print out copies for the Commissioners and the Court Reporter.
 >Doris
 >
 >-----Original Message-----
 >From: leon spiro [mailto:leonspiro@hotmail.com]
 >Sent: Wednesday, April 27, 2005 12:29 PM
 >To: dmcclay@scottsdaleaz.gov
 >Cc: leonspiro@hotmail.com
 >Subject: 3- AB-2005 GLO Abandonment
 >
 >
 >Doris McClay, Coordination Specialist, City of Scottsdale.; Miss McClay: I
 >reference Planning Commission Meeting this night and Item 3-AB-2005, GLO
 >Roadway Easement Abandonment request. Would you please see that the
 >following is read to the Citizens and Commission Members in attendance to
 >insure that my comments will be noted in the "expedited minutes" but will
 >also be on record in full in the audio minutes record. Thank you.
 >Comments: Commissioners, Leon Spiro, North Scottsdale. I wish to express
 >my disapproval for the abandonment of the GLO Roadway and Public Utility
 >Easement, 3-AB-2005, now being requested. As usual, I do not contest the
 >City relinquishing their "interest" in this Patent Deeded Roadway

06/21/2005

>Easement, but ,as previously stated at each abandonment request, we have
 >informed the Council and Commission, of the possibility of a "private
 >property right" that is deeded into these parcels. I ask, is this
 >Commission following the instructions of Mayor Mary Manross, to not concern
 >yourselves with this legal issue involved and only concern yourselves with
 >the planning issue involved? Once again, it is requested that this
 >Commission ask the "governing body " to request the Arizona Attorney
 >General for a "legal opiniion" regarding the City of Scottsdale's practice
 >of abandonment of these roadway easements and the Cities practice of then
 >permitting " construction, blockage and fencing" of these roadway
 >easements. We view permitting encroachment on these easements, is a
 >"private property right taking" for all owners of property within this
 >"classification order" that created this neighborhood. We view the taking
 >of "risk" by the Governing Body of this city, as an irresponsible decision.
 >Thank you. PS: Miss McClay, would you please acknowledge receipt
 >of this E Mail comment. LS.

>

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> <mailto:leonspiro@hotmail.com> leonspiro@hotmail.com

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